

ASSEMBLY BILL

No. 1637

Introduced by Assembly Member Mountjoy

February 22, 2005

An act to amend Sections 27000 and 42001 of, and to add Section 42001.20 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1637, as introduced, Mountjoy. Vehicles: refuse or garbage truck: horn: camera.

(1) Existing law requires refuse or garbage truck purchased after September 1, 1983, to be equipped with an automatic backup audible alarm that sounds on backing more than 36 inches and that is capable of emitting a specified sound, or be equipped with an automatic backup device, as specified, that is in good working order. It is an infraction to violate this requirement.

This bill would apply the above requirements to a refuse or garbage truck, regardless of when it was purchased, and would delete the 36 inches requirement.

The bill would also require a refuse or garbage truck that is purchased after January 1, 2010, to be equipped with a functioning camera providing a video display for the driver that enhances or supplements the driver's view behind the truck for purposes of safely maneuvering the truck.

The bill would provide that a violation of these provisions is an infraction punishable by a fine of \$150.

Because this bill would expand the scope of an existing crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known as Kaycie's law.

2 SEC. 2. Section 27000 of the Vehicle Code is amended to
3 read:

4 27000. (a) ~~Every~~*A* motor vehicle, when operated upon a
5 highway, shall be equipped with a horn in good working order
6 and capable of emitting sound audible under normal conditions
7 from a distance of not less than 200 feet, but no horn shall emit
8 an unreasonably loud or harsh sound. An authorized emergency
9 vehicle may be equipped with, and use in conjunction with the
10 siren on that vehicle, an air horn ~~which~~ *that* emits sounds that do
11 not comply with the requirements of this section.

12 (b) ~~Every~~*A* refuse or garbage truck ~~purchased after September~~
13 ~~1, 1983,~~ shall be equipped with an automatic backup audible
14 alarm ~~which~~ *that* sounds on backing ~~more than 36 inches~~ and
15 ~~which~~ is capable of emitting sound audible under normal
16 conditions from a distance of not less than 100 feet or shall be
17 equipped with an automatic backup device ~~which~~ *that* is in good
18 working order, located at the rear of the vehicle and ~~which~~ *that*
19 immediately applies the service brake of the vehicle on contact
20 by the vehicle with any obstruction to the rear. The backup
21 device or alarm shall also be capable of operating automatically
22 when the vehicle is in neutral or a forward gear but rolls
23 backward.

24 (c) ~~At the first scheduled overhaul for any~~*A* refuse or garbage
25 truck, ~~the operator shall consider equipping the refuse or garbage~~
26 ~~truck not equipped in accordance with the requirements of~~
27 ~~subdivision (b), with the alarm or device required under~~
28 ~~subdivision (b)~~ *purchased after January 1, 2010, shall also be*
29 *equipped with a functioning camera providing a video display for*
30 *the driver that enhances or supplements the drivers' view behind*
31 *the truck for the purpose of safely maneuvering the truck.*

SEC. 3. Section 42001 of the Vehicle Code is amended to read:

42001. (a) Except as provided in subdivision (e) of Section 21464, or Section 42000.5, 42001.1, 42001.2, 42001.3, 42001.5, 42001.7, 42001.8, 42001.9, 42001.11, 42001.12, 42001.13, 42001.14, 42001.15, 42001.16, or subdivision (a) of Section 42001.17, ~~or~~ Section 42001.18, *or Section 42001.20*, or subdivision (b), (c), or (d) of this section, or Article 2 (commencing with Section 42030), every person convicted of an infraction for a violation of this code or of any local ordinance adopted pursuant to this code shall be punished as follows:

(1) By a fine not exceeding one hundred dollars (\$100).

(2) For a second infraction occurring within one year of a prior infraction which resulted in a conviction, a fine not exceeding two hundred dollars (\$200).

(3) For a third or any subsequent infraction occurring within one year of two or more prior infractions which resulted in convictions, a fine not exceeding two hundred fifty dollars (\$250).

(b) Every person convicted of a misdemeanor violation of Section 2800, 2801, or 2803, insofar as they affect failure to stop and submit to inspection of equipment or for an unsafe condition endangering any person, shall be punished as follows:

(1) By a fine not exceeding fifty dollars (\$50) or imprisonment in the county jail not exceeding five days.

(2) For a second conviction within a period of one year, a fine not exceeding one hundred dollars (\$100) or imprisonment in the county jail not exceeding 10 days, or both that fine and imprisonment.

(3) For a third or any subsequent conviction within a period of one year, a fine not exceeding five hundred dollars (\$500) or imprisonment in the county jail not exceeding six months, or both that fine and imprisonment.

(c) A pedestrian convicted of an infraction for a violation of this code or any local ordinance adopted pursuant to this code shall be punished by a fine not exceeding fifty dollars (\$50).

(d) A person convicted of a violation of subdivision (a) or (b) of Section 27150.3 shall be punished by a fine of two hundred fifty dollars (\$250), and a person convicted of a violation of

1 subdivision (c) of Section 27150.3 shall be punished by a fine of
2 one thousand dollars (\$1,000).

3 (e) Notwithstanding any other provision of law, any local
4 public entity that employs peace officers, as designated under
5 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2
6 of the Penal Code, the California State University, and the
7 University of California may, by ordinance or resolution,
8 establish a schedule of fines applicable to infractions committed
9 by bicyclists within its jurisdiction. Any fine, including all
10 penalty assessments and court costs, established pursuant to this
11 subdivision shall not exceed the maximum fine, including
12 penalty assessment and court costs, otherwise authorized by this
13 code for that violation. If a bicycle fine schedule is adopted, it
14 shall be used by the courts having jurisdiction over the area
15 within which the ordinance or resolution is applicable instead of
16 the fines, including penalty assessments and court costs,
17 otherwise applicable under this code.

18 SEC. 4. Section 42001.20 is added to the Vehicle Code, to
19 read:

20 42001.20. Notwithstanding any other provision of law, a
21 person who violates subdivision (b) or (c) of Section 27000 is
22 punishable by a fine of one hundred fifty dollars (\$150).

23 SEC. 5. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 the only costs that may be incurred by a local agency or school
26 district will be incurred because this act creates a new crime or
27 infraction, eliminates a crime or infraction, or changes the
28 penalty for a crime or infraction, within the meaning of Section
29 17556 of the Government Code, or changes the definition of a
30 crime within the meaning of Section 6 of Article XIII B of the
31 California Constitution.